

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15414/2003

(From the judgement and order dated 20/08/2002 in TTR No. 36/2002 of The  
HIGH COURT OF JUDICATURE AT ALLAHABAD)

COMMR. OF TRADE TAX UP LUCKNOW

Petitioner(s)

VERSUS

M/S KANHAIYA BEVERAGES PVT. LTD.

Respondent(s)

(With appln. for c/delay in filing SLP and prayer for interim relief and  
office report)

Date: 01/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Kavin Gulati,Adv.

Mr. Anuvrat Sharma,adv.

Mr. K.Mishra,adv.

Mr. R.K.Dubey,adv.

Ms. R.Singh,adv.

Mr. A.Bhalla,adv.

For Respondent(s)

Mr. Sunil Kumar Jain,Adv.

Mr.Manish Kumar,adv.

Mr. S.Borthakur,adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is allowed.

[SUMAN WADHWA]

[MADHU SAXENA]

COURT MASTER

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005  
(Arising out of SLP(C)No. 15414 of 2003)

Commnr. of Trade Tax  
UP, Lucknow

.. Appellant

vs.

M/s. Kanhaiya Beverages  
Pvt.Ltd.

.. Respondent

O R D E R

Leave granted.

The High Court had passed the impugned order without giving any opportunity to the appellant to file a counter affidavit. This is not denied by the respondent. On this short ground the impugned order is set aside. The High Court will rehear the matter after giving the appellant an opportunity to file counter affidavit.

The appeal is allowed.

.....J.  
(RUMA PAL)

.....J.

(Dr. AR. LAKSHMANAN)

New Delhi;  
August 1, 2005.